MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2022/2023 (TERM ID 2220)

UFL1612 – FAMILY LAW

(All Sections / Groups)

8th July 2023
Reading Time: 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Answer **ONE** question in **PART A** and **ALL** questions in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Law Reform (Marriage and Divorce) Act 1976
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ONE (1) QUESTION ONLY

QUESTION 1

Amy and Daniel got married in March 2021 after dating for three years. Somewhere in December 2022, Amy found out that Daniel took her credit card and used it behind her back to buy expensive car accessories amounting to RM10,000. When Amy confronted Daniel about the matter, he got angry and punched Amy in the face which resulted in facial fractures. Amy was hospitalised for three days and lodged a police report against Daniel. Daniel profusely apologised to her and begged her to retract the police report. Out of sympathy, Amy retracted the police report. Last month, Amy found out that Daniel used her credit card again to buy a golf set. Amy is disappointed but is also too scared to confront Daniel in case he hits her again.

Meanwhile, Avery, Amy's best friend also faced some difficulties in her marriage. Last month, she accidentally saw a flirty text message pop out on Kenny's phone while Kenny was having his shower. The text message was supposed to be from Kenny's 'manager', but when she called the number, it was Kenny's secretary who picked up the call. Avery was furious but both Kenny and his secretary denied they were having an affair. Avery wanted to end their five-year marriage however Kenny refused and claimed that Avery is just being insecure. Yesterday, Avery came back early from work and saw both Kenny and his secretary in bed.

Based on the following, assess whether Amy and Avery may dissolve their marriage respectively in accordance with the Law Reform (Marriage and Divorce) Act 1976.

(Total: 25 marks)

QUESTION 2

Maniam married Sonia in India in September 2019 and brought her to Malaysia. Sonia has refused to consummate the marriage saying that she has nothing to do with Maniam. She told him that she only married him so that she could leave India. Feeling angry, Maniam sent her back to her parents. He wants to know if he can annul the marriage. Apply the relevant laws in accordance with the Law Reform (Marriage and Divorce) Act 1976.

(Total: 25 marks)

Continued...

PART B: ANSWER ALL QUESTIONS

QUESTION 3

Distinguish between the Law Reform (Marriage and Divorce) Act 1976 and the Married Women and Children (Maintenance) Act 1950 concerning maintenance.

(Total: 25 marks)

QUESTION 4

a) Discuss the case of *Nancy Kual v Ho Than On* [1994] 1 MLJ 545 and its significance under the Law Reform (Marriage and Divorce) Act 1976.

(15 marks)

b) Explain to what extent the Law Reform (Marriage and Divorce) Act 1976 recognise and regulate customary marriage in Malaysia. Support your answers with relevant authorities.

(10 marks)

(Total: 25 marks)

QUESTION 5

When a marriage breaks up, the spouses may agree on the division of matrimonial property that can be made through a joint petition for divorce to end the marriage in a peaceful way. But, if either party disagrees with the agreement to divide the property, an application for division of matrimonial assets may be made to the court in a contested petition for divorce and in most cases, the parties tend to wash dirty linen in public through the court proceedings.

Discuss the distribution of matrimonial assets among non-muslims in Malaysia upon divorce.

(Total: 25 marks)

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